

*Response to Office Action
U.S. Application Serial No. 10/773,481*

REMARKS

Claims 1-5, 10, 11, 18-19 and 26-36, as amended, as well as new claim 37, are currently pending for the Examiner's review and consideration. Claim 17 has been cancelled without prejudice and its subject matter incorporated into claim 1. New claim 37 is added. No new matter has been added by these amendments and Applicant respectfully requests their entry into the record of the above-captioned application.

Applicant further respectfully requests that the Examiner acknowledge on the record more generic claims than merely claims 1 and 32 as being currently pending in the above-captioned action. Applicant respectfully draws the Examiner's attention to Applicant's submission dated June 10, 2005, in which Applicant set forth a non-exclusive list of at least 10 generic claims (*i.e.*, claims 1-4, 18, 26-28, and 31-32) that were then, and are still, currently pending. Claims 6-9, 12-16, and 20-25 have been withdrawn as being directed to a non-elected embodiment.

Applicant further notes that the Examiner has provided prior art rejections for every claim except claim 19; yet, page 1 of the Office Action indicates that all claims (including claim 19) stand rejected. For the purpose of submitting a complete Response to the outstanding Office Action (and of complying with the requirements of 37 C.F.R. § 1.111(b)), therefore, Applicant assumes that claim 19 is allowable over the cited art.

THE REJECTION UNDER 35 U.S.C. § 102(E) SHOULD BE WITHDRAWN

Claims 1-5, 10, 17-18, and 26-36 were rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,828,049 A2 to Bullock *et al.* ("Bullock '049"), for the reasons set forth on pages 2-3 of the Office Action. Applicant respectfully traverses this rejection, as set forth below.

Initially, Applicant respectfully submits that Bullock '049 does not teach or disclose an adapter for a fuel supply as recited in independent claim 32 and its dependent claims 33-36. Claim 32 recites an adapter connecting a fuel supply to a host device. Indeed, the Office Action is devoid of any statements regarding anticipation of an adapter such as recited in claims 32-36. There is nothing in Bullock '049 suggesting an adapter. Applicant respectfully submits that the anticipation rejection of claims 32-36 be withdrawn.

Regarding the remainder of the claims, amended claim 1 is the only independent claim and recites a fuel supply comprising a front face and at least one functional element, wherein the at least one functional element is positioned relative to a datum which has been amended to be defined on the front face of fuel supply.

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The Office Action indicates that Bullock '049 discloses: a fuel supply 132 with associated fuel stack 142, a corner datum 148, and a valve interface 152, 156; and a host device 140 with associated matching datum 150 and valve sockets 158, 154." Applicant respectfully traverses the Examiner's characterization of Bullock '049.

First, Applicant respectfully submits that element 148 in Figure 3 of Bullock '049 is disclosed to be "an exemplary rail" corresponding to "slot 150". See Bullock '049 at column 3, line 62 through column 4, line 21. Rail 148, according to Figure 3, is located on a side face of fuel cartridge 132, and not on a front face of a fuel supply, as recited in claim 1, as amended. Furthermore, the matching datum on the host device is not located on the corresponding face that matches the front face of the fuel supplied, as recited in amended claim 1.

Applicant respectfully submits that Bullock '049 does not disclose or suggest the presence of any datum on a front face of a fuel supply, nor any corresponding datum on a corresponding face of a host device, as recited in amended claim 1.

Hence, Applicant respectfully submits that the anticipation rejection of claims 1-5, 10, 17-18, and 26-31 be withdrawn. Claims 2-5, 10, 18-19, and 26-31 depend on allowable claim 1 and recite further limitations therefrom. Hence, these claims are allowable based on their dependency. Applicant reserves the right to support the patentability of these dependent claims should that become necessary.

Further, Bullock '049 teaches that rail-and-slot arrangement 148,150 is a mechanical keying apparatus related to the mechanical connection of fuel cartridge 132 to fuel cell stack housing 140. See *Id.* In addition, Bullock '049 discloses locking devices for holding the fuel cartridge in place. *Id.* Applicant respectfully submits that Bullock '049 does not, however, disclose or suggest functional datum for matching up a fuel supply with a host device, such as recited in new claim 37. Applicant, thus, respectfully asserts that new claim 37 should similarly be allowable over the cited prior art references. Claim 37 also reads on the elected species A, which includes Figs. 2a-2d. Hence, this claim is properly presented.

THE REJECTION UNDER 35 U.S.C. § 103(A) SHOULD BE WITHDRAWN

Claim 11 was rejected under 35 U.S.C. § 103(a), as being obvious over Bullock '049, in view of U.S. Patent Application Publication No. 2003/0082427 A1 to Prasad *et al.* ("Prasad '427"), for the reasons set forth on pages 3-4 of the Office Action. Claim 11 depends on allowable claim 1, and recite further limitations therefrom. Hence claim 11 is

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allowable based on its dependency. Applicant reserves the right to support the patentability of claim 11 should that become necessary.

CONCLUSION

In light of the preceding, Applicant respectfully submits that the presently pending claims are in condition for allowance, early notice of which would be greatly appreciated. The Examiner is invited to telephone the undersigned attorney of record if he believes that such a call would materially advance the prosecution and eventual allowance of the present application.

Applicant believes that no fees are due in connection with the submission of this Response. This amendment and response is due on November 11, 2005, which fell on a federal holiday, and November 12th and 13th fell on a weekend. Hence, this amendment and response is timely submitted. If any fees are due, however, Applicant hereby authorizes the Commissioner to charge the appropriate fees to The H.T. Than Law Group, Deposit Account No. 50-1980.

Respectfully submitted,

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